

708 Doages Dr.
Millersville, MD 21108

November 27, 1998

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

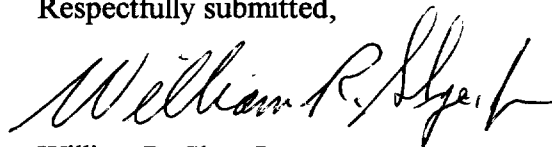
RE: Comments on 1998 Biennial Regulatory Review - Amendment of Part 97 of the
Commission's Amateur Service Rules
Notice of Proposed Rulemaking -WT Docket No. 98-143 (FCC 98-183)

Dear Ms. Salas:

I submitted comments on the referenced NPRM by mail on November 20, 1998, but have not seen them in the Commission's electronic filing system under this docket, as of November 28. I fear the originals may have gone astray, and may have not been received in your office. This is my last opportunity to submit them again prior to the comment deadline.

Please find enclosed a duplicate original and four copies of my comments regarding the referenced Notice of Proposed Rulemaking. An electronic version of these comments had been sent to the Commission as indicated in the Notice. If these comments have been received previously, please accept my apology. If there are any questions regarding this submission, please contact me at the above address or telephone 410-923-2811.

Respectfully submitted,



William R. Slye, Jr.

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In the Matter of

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WT Docket No. 98-143

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1998 Biennial Regulatory Review -

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Amendment of Part 97 of the Commission's

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Amateur Service Rules

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Comments of William R. Slye, Jr./N3GT

FEDERAL COMMUNICATIONS COMMISSION
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1. Background. I received my first amateur licence in 1956, I currently hold an Amateur Extra license, and have been an active amateur for over 40 years. Both my wife and my son are licenced amateur radio operators.

I appreciate this opportunity to make comments on this Notice of Proposed Rulemaking (*Notice*), and applaud the Commission for reviewing the status of the amateur radio licensing situation, and other matters that are of importance to the thousands of amateurs nation-wide. I fully understand that the Commission has an increasing workload, and that streamlining any of the many licensing processes will be beneficial.

2. Comments on the Notice. My comments will not completely follow the order as in the *Notice*, but will be listed by section or relevant paragraph number.

E. Telegraphy Requirements - I generally agree that the need for continuous wave (CW) telegraphy is diminishing, but it is a mode of communications enjoyed and practiced by many amateurs. Regardless of any requirements of the International Telecommunication Union (ITU), the knowledge and use of CW has become a hallmark of amateurs over the years. Perhaps in the future, knowledge of CW will not be useful, but for the present, *I believe the telegraphy test should be retained.*

However, as far as code speed requirements, it seems that, in practice, CW operators seek their own level of proficiency on the air, and that passing a higher code speed test does not equate to increased knowledge, but rather increased proficiency. It should be noted that among all modes of amateur communication, *proficiency is not a test used for any other mode of amateur communication; element 1 is only element that is graded on advanced proficiency rather than advanced knowledge.* Therefore, a basic code speed proficiency of 5 words per minute, which has been the entry level for high frequency (HF) operations for many years, would certify *knowledge* of the Morse code, and should be a satisfactory requirement *for all levels of licensing that have HF privileges.* This would also facilitate the entry of partially disabled persons into the higher license ranks without having to obtain disability waivers for code speeds over 5 wpm.

Further, the code test, to have meaning, should not be multiple-choice, but should be designed to demonstrate a knowledge of Morse code, and *should require a high level of accurate copy for a one-minute interval.* For example, if the requirement were 100 per cent copy for any one minute out of five,

this would certify a knowledge of Morse code.

A. Number of License Classes - I agree that we have too many classes of licenses. However, *I do not agree with the proposed realignment of the licenses*. I also agree that the Novice and the Tech Plus licenses should be phased out, *but not as proposed*. I am not persuaded by the discussion in the *Notice* leading to the proposal that the Novice licensee be “grandfathered” and the Tech Plus be relegated to a Technician class upon license renewal. In paragraph 13 the *Notice* states that Tech Pluses operate predominately in FM/VHF/UHF bands. To the contrary, it should be noted that a great many Tech Pluses operate in the 10-meter telephony bands (the only HF telephony band permitted for this license class) and contribute greatly to keeping this band active during all phases of the sun spot cycle.

When I was first licensed as a Novice in 1956, it was for a one-year term, and the conditions were “move up or get out.” It was supposed to be a trial license, but now the Novice license has a tenure equal to other amateur licenses. I see no reason for that license to be grandfathered and the Tech Plus not, particularly since the Tech Plus is a higher grade license. *It would be relatively easy for one to upgrade from Novice to Tech Plus, since the additional element required (3A) would be the same as required for a Technician class license, which the Commission has proposed as the entry-level license*. It would seem strange to grandfather a license that does not meet the standards of the proposed entry-level license, and yet not renew one that goes beyond.

The *Notice* correctly pointed out that the only difference between a Technician and a Tech Plus is the code requirement, but it is also true that the only difference between a Novice and a Tech Plus is Element 3(A), which is *required* for a Technician license, proposed by the Commission to be the *entry-level* license. Therefore, it is reasonable to conclude that the Tech Plus, being the higher level license, should be grandfathered and allowed to renew, and not the Novice.

Further, amateurs have always prided themselves on their ability to self-police the operations in the amateur bands. If Tech Pluses are relicensed as Technicians it will be confusing if later a holder of a Technician license operates telephony on 10 meters, and no one can verify if the person has passed a code test. There will be no readily-available database to ascertain an individual’s code proficiency. *Amateur self-policing of the bands will have been diminished*.

As a means to have a logical progression of licenses, and yet satisfy the commission’s proposal to phase out both the Novice and Tech Plus license classes, my proposal is 1) *not to issue any new Novice licenses*, and 2) *not renew Novice class licenses, but to allow an upgrade to Tech Plus*. *The Tech Plus licences will be renewed, but no new Tech Plus licenses will be issued other than through an upgrade from Novice*.

As the *Notice* pointed out, currently there are a relatively small number of Novice licenses, and the addition of a few more Tech Pluses in the near term will not be a significant burden on the Commission. This will satisfy the Commission’s agenda to phase out both licenses, but with an incentive to Novices to upgrade, and more fairness to holders of Tech Plus licenses, with the added ability to self-police the 10 meter telephony band.

To summarize my comments at this point, the entry license would be a Technician (no-code), with current privileges, and can upgrade to General and above. The General license (and all above) would require 5

words per minute code test. The Commission would abolish test elements 1(B) and 1(C). Technicians licensed before March 21, 1987 would renew as General class, since they have passed the General theory elements. Current Novices could not renew, but with additional theory elements, could upgrade to Tech Plus (or any higher license), and Tech Pluses could renew. Tech Plus licenses will be phased out due to attrition.

As for disposition of the Novice bands, I propose that the *current power levels in the Novice bands be retained for one year after this Rulemaking is complete*; after that time, Novices would still be limited in power, but higher classes would be able to use the same power as in other portions of the band.

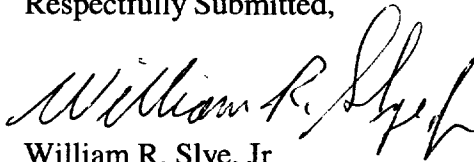
B. Greater VE Opportunities - I agree with the proposals set forth in paragraph 14.

C. RACES Station Licenses - I have operated with RACES (and ARES) organizations since 1957, and believe they are critical to communications support for any public emergency situation. I have stated previously that I agree that license processes should be streamlined. However, I am not persuaded that the public is benefitted by phasing out the RACES station license. Although it is certainly true that any amateur station may participate in RACES with proper authority, in an emergency situation it is beneficial to have a continuity of callsigns so that a certain callsign is associated with a particular Emergency Operations Center, or other emergency facility. Further, this makes the emergency operations facility neutral in terms of callsign used (e.g. the callsign is not associated with an individual or amateur club). With the current automation in licensing available at the Commission, the continuing of the RACES license would not be overly burdensome, and *I believe there would be a positive net public interest factor in retaining RACES licenses.*

D. Privatization of Certain Enforcement Procedures. I note that the Commission has turned the enforcement of amateur operation over to the Compliance and Information Bureau (CIB). I believe this is a good step. With regard to privatizing enforcement, I believe this function should remain within the amateur ranks, but with a close coupling between the Amateur Auxiliary and the CIB.

F. Written Examinations. In general, I support the VEC/VE program. The number of questions should remain governed by rule, but the number of questions in the question pool should either be increased to discourage memorization, or some flexibility on the part of VE's to ensure passing the test really equates to understanding of the subject. Additionally, it seems that elements 2 and 3(A) should be merged to form a single element, since neither of these elements alone will be sufficient for a license.

Respectfully Submitted,



William R. Slye, Jr
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Millersville, MD 21108